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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,070	12/08/1998	SHUSOU WADAKA	2565-136P	2419

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 12/28/2001

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

202070

Applicant(s)

Wadahi et al

Examiner

M. Budd

Group Art Unit

2834

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 10-22-01

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-15, 25 and 27-41 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15, 25 and 27-41 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 20(7-2-01)

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Vale

Krishnaswamy, Japan (804) and Curran.

Note Vale (figs. 1 & 2), Krishnaswamy (Figs. 1-5 and 7), Curren (Fig. 8) and Japan (804) (Fig. 4) each teach the structure claimed. Note that "a shape --- determined --" is not considered a structural limitation in these product claims: For any transducer designed, the electrode pattern and placement on the substrate are "determined" at some point. Even assuming arguendo that this phraseology does determine some structure it would be impossible to determine the identical final products even if their electrode positions were "determined" by a different rationale.

Regardless, note Japan (804) (fig. 4), the resonators 5 and 5' have different shapes at different substrate locations. In Curran, resonators A, B and C each have a different frequency thus they must be structurally different at different locations. Note they are also located a distance from each other to avoid interference: thus positions determined ---". The same argument holds true for Krishnaswamy and Vale (note the leads are different for #15, #20 and #25 as "determined by their location on the substrate ---").

Claims 15 and 40 are rejected under 35 U.S.C. 102(a) as being anticipated by Japan (804), Berlincourt or Vale.

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Each reference teaches the claimed component structure, even assuming arguendo that the pattern shape --- is changed by a position ---" is a structural limitation.

Note e.g. Japan (804) fig. 4, Vale (Fig. 1) and Berlincourt (Figs. 3 and 4).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, 27-39 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Carson, Krishnaswamy or Vale in view of Berlincourt or Japan (804).

Each of Carson, Vale and Krishnaswamy teach the claimed device except the electrode areas are not explicitly varied. However, they all show plural resonator on a common substrate with each resonator having a different frequency. Berlincourt (note col. 4, lines 4-62) explicitly teaches frequency can be set or tuned via changing electrode area (or overlap) note also Japan (fig. 4). This is an alternative to changing resonator thickness. Also lead line length and area (as well as electrode area) also effects impedance in a known, predictable manner.

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Thus, to vary the electrode and/or lead architecture of Krishnaswamy, Carson or Vale would have been obvious to one of ordinary skill in the art. Note the divided substrate is well known as shown by several references cited by applicant.

Budd/ds

12/23/01

A handwritten signature in black ink, appearing to be 'JA' followed by a long horizontal stroke.